

EAST HERTS COUNCIL

STANDARDS COMMITTEE – 19 APRIL 2012

REPORT BY THE DIRECTOR OF NEIGHBOURHOOD SERVICES AND MONITORING OFFICER

THE LOCALISM ACT 2011

WARDS AFFECTED: NONE

Purpose/Summary of Report

<u>RECOMMENDATION FOR :</u>

1.0 Background

1.1 The Standards Committee, at its meeting held on 14 March 2012, requested that a new code of conduct for Members be submitted to the Committee for its consideration. The Committee also requested that detailed proposals be submitted for a new standards Regime including a complaints handling procedure.

2.0 The Code of Conduct

2.1 Council is required to adopt a new Code of Conduct governing elected and co-opted Member's conduct when acting in that capacity. The Council's new Code of Conduct must, viewed as a whole, be consistent with the following seven principles:

- (a) Selflessness
- (b) Integrity
- (c) Objectivity
- (d) Accountability
- (e) Openness
- (f) Honesty
- (g) Leadership

2.2 Council has discretion as to what it includes within its new Code of Conduct, provided that it is consistent with the seven principles. However, regulations to be made under the Act will require the registration and disclosure of "Disclosable Pecuniary Interests" (DPIs), broadly equating to the current prejudicial interests. The provisions of the Act also require an authority's code to contain appropriate requirements for the registration (and disclosure) of other pecuniary interests and non-pecuniary interests. The result is that it is not yet possible to draft Code provisions which reflect the definition of DPIs which will appear in regulations.

- 2.3 A draft Code of Conduct for Members' consideration is contained in **Essential Reference Paper 'B'**.
- 3.0 Dealing with Misconduct Complaints - Arrangements
- 3.1 The Act requires that the Council adopt "arrangements" for dealing with complaints of breach of Code of Conduct both by District Council Members and by Parish Council Members, and such complaints can be dealt with only in accordance with such "arrangements". So the "arrangements" must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct.
- 3.2 A suite of documents accompanying this report sets out a detailed procedure for Members to consider:
- Complaints Procedure (**Essential Reference Paper 'C'**);
- Terms of Reference for the Standards Committee and Standards Sub-Committee (**Essential Reference Paper 'D'**);
- Investigation Procedure (**Essential Reference Paper 'E'**);
- Standards Sub-Committee Hearing Procedure (**Essential Reference Paper 'F'**);
- Flowchart (**Essential Reference Paper 'G'**), and
- Localism Act 2011 (extract) (**Essential Reference Paper 'H'**).
- 4.0 Implications/Consultations
- 4.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Paper

Localism Act 2011

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ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives (<i>delete as appropriate</i>):</p>	<p>People This priority focuses on enhancing the quality of life, health and wellbeing of individuals, families and communities, particularly those who are vulnerable.</p> <ul style="list-style-type: none"> • Enhance our local community engagement by working together with our partners such as Parish and Town Councils, for the benefit of our communities. • Maintain our core services to a good standard and ensure high satisfaction with the council as measured through the biennial Residents Survey.
<p>Consultation:</p>	<p>None.</p>
<p>Legal:</p>	<p>The implications are in the report.</p>
<p>Financial:</p>	<p>None</p>
<p>Human Resource:</p>	<p>None</p>
<p>Risk Management:</p>	<p>The Council needs to be able to demonstrate that it is dealing with standards issues effectively.</p>